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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL INSURANCE COMPANY,

Index No.: 06 CV 2455 (JSR)(JCF)

Plaintiff,

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT**

- against -

PGG REALTY, LLC, BEN ASHKENAZY,
and KEYBANK NATIONAL ASSOCIATION,

Defendant.

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PLEASE TAKE NOTICE that upon the accompanying Affidavit of Thomas M. Rittweger, Esq., sworn to on the 17th day of November, 2006, the accompanying Statement of Uncontested Facts, the accompanying Memorandum of Law, and all prior pleadings and proceedings herein, plaintiff Federal Insurance Company, by and through its attorneys, Nicoletti Hornig Campise & Sweeney, will move before the Honorable Jed. S. Rakoff on January 17, 2006 at 5:00 p.m. or as soon thereafter as counsel may be heard, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Fed. R. Civ. P. 56 granting summary judgment in favor of Federal Insurance Company on the Second

Amended Declaratory Judgment Complaint, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
November 17, 2006

NICOLETTI HORNIG CAMPISE & SWEENEY
Attorneys for Plaintiff
FEDERAL INSURANCE COMPANY

By: 

Thomas M. Rittweger (TR-6796)
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(FILE NO.: 25000011 JAVN/TMR)

TO:

WEG & MYERS, P.C.
Attorneys for Defendants
PGG Realty and Ben Ashkenazy
52 Duane Street, 2nd Floor
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Attention: Dennis D'Antonio, Esq.